superior sovereign powers,"[49] because the "right of tribal self-government is ultimately dependent on and subject to the broad power of Congress."[50]

IGRA was an attempt to balance "the states' demands that their laws be enforceable on the reservations" and "the tribes' contentions that their sovereignty permitted them to develop gambling enterprises entirely according to their own regimes."[51] Congress recognized that "Indian tribes have the exclusive right to regulate gaming activity on Indian lands if the gaming activity is not specifically prohibited by Federal law and is conducted within a State which does not, as a matter of criminal law and public policy, prohibit such gaming activity."[52] At the same time, Congress "extend[ed] to States a power withheld from them by the Constitution" by offering states an opportunity to participate with Indians in developing regulations for Indian gaming.[53]

IGRA also divides all Indian gaming activity into three classes and assigns a separate regulatory scheme for each class. Class I gaming, comprised of "social games for prizes of minimal value or traditional forms of Indian gaming engaged in by individuals," is subject to

---

[49]*Quileute Indian Tribe v. Babbitt*, 18 F.3d 1456, 1459 (9th Cir. 1994).

[50]*White Mountain Apache Tribe v. Bracker*, 448 U.S. 136, 143, 100 S.Ct. 2578, 2585 (1980) (*quoted in Smart v. State Farm Ins. Co.*, 868 F.2d 929, 935 (7th Cir. 1989)).

[51]S. Levin, *Betting on the Land: Indian Gambling and Sovereignty*, 8 Stan. L. & Pol'y Rev. 125, 127 (Winter 1997).

[52]25 U.S.C. § 2701(5) (1995).

[53]*Seminole Tribe of Florida v. State of Florida*, 116 S. Ct. 1114, 1124 (1996).